

## **II. REMARKS/ARGUMENTS**

### **A. Remarks Regarding Amendments to the Claims**

Claims 1 and 5 are amended to more particularly point out and distinctly claim what Applicant regards as his invention.

Claims 8-9 are canceled.

New claim 10 is added.

### **B. Reply to rejection of Claims 1-8 under 35 U.S.C. 102(b) as being anticipated by Paoluccio '403**

The Examiner rejected Claims 1-8 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,080,403 ("403") to J.A. Paoluccio. Regarding Claim 1, the Examiner alleged that the '403 reference discloses "a fitting comprising:

a generally cylindrical collar (10B, 10C) having a generally circular first end generally orthogonal to the collar axis, and a generally circular second end oblique to the axis at a predetermined angle; and generally orthogonal to the cone axis.

a body (12-15) having an upper portion terminating in a generally circular end inclined at the angle, the collar second end rotatably attached to the body upper portion end."

In the '403 reference, (10B) and (10C) refer, respectively, to an angle static pressure duct take off-round fitting, and an angle branch round duct take off (at Col. 5, lines 56-57), neither of which are germane to the present invention. It is clear from elevational view Figure 1A that truncated conical portion (11) (which is functionally similar to collar 12) has opposed ends which are parallel.

Portion (11) is attached to main duct (20) by a semi-flexible bellows which can bend but cannot rotate relative to the duct (20). In contrast, the collar of the present invention is rotatable with respect to the fitting body which is rigidly attached to a duct.

Regarding Claim 2, the Examiner alleged the '403 reference discloses "a skirt (13, 14) flaring downwardly from the body upper portion and terminating in a base, the skirt having generally opposed first and second flanges terminating, respectively, in canted first and second lips, the base determined circumferentially by the lips and arch-shaped forward and rearward edges disposed between the lips."

Element (13) is a fabric ring member (at Col. 4, lines 58-59) and element (14) is a semi-flexible fabric ring member (at Col. 4, lines 35-37) extending outwardly from duct (20). Both are part of a bellows and individually or in combination have no features in common, functionally or literally, with the body 14 of the present invention.

Regarding Claim 3, damper (16) (not (24)) is indeed positioned within conical portion (11). Since Claim 3 depends from Claims 1 and 2, which Applicant contends are allowable, it also is allowable.

Regarding Claim 4, the Examiner's allegation that the '403 reference discloses "the forward edge being arched higher than the rearward edge" is unclear. Claim 4 is allowable for the same reason that Claim 3 is allowable.

Regarding Claim 5, the Examiner alleged that the '403 reference discloses the fitting "being attached to an arcuate surface of a relatively large cross-section duct section, the collar being rotatable so that it can be canted at any angle with respect to the duct section in a range from about 55 to about 90 degrees."

As argued above re Claim 1, conical portion (11) is attached to main duct (20) by a semi-flexible bellows which can bend but cannot rotate relative to duct (20).

Regarding Claims 6 and 7, since these depend ultimately from Claims 1 and 2 which are allowable, they are likewise allowable.

Claim 8 is cancelled.

**C. Reply to rejection of Claim 9 under 35 U.S.C. 103(a) as being obvious over Paoluccio '403 in view of Syverson '964**

Claim 9 is cancelled.

### **III. CONCLUSION**

For all the above reasons, Applicant believes all grounds for the Examiner's rejections and objections have been overcome and respectfully requests that all pending claims be allowed and new Claim 10 be timely considered.

Respectfully submitted,

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